

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ABATIX CORP.

v.

TOM CAPRA, RALPH MCKINLEY,  
REGINA MILLIOT, AND  
BRIAN MACGREGOR

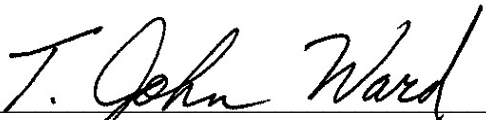
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CIVIL ACTION NO. 2:07-CV-541

**MEMORANDUM ORDER**

The above-titled and numbered civil action was heretofore referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his proposed findings of fact and recommendation for the disposition of the defendants' Motion (#10) to Dismiss Plaintiff's Complaint for Lack of Personal Jurisdiction and Improper Venue or, alternatively, to Transfer Venue, has been presented for consideration. The defendants have filed an objection to Judge Everingham's report and recommendation. The undersigned has reviewed Judge Everingham's report and recommendation and the defendants' objections. The undersigned overrules the defendants' objections and adopts the findings and conclusions contained in Judge Everingham's report and recommendation.

SIGNED this 24th day of September, 2008.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE